



26 MAR 2010

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In re Application of: HASUMI et al.

Application No. 10/590,342

PCT No.: PCT/JP2004/002124

Int. Filing Date: 24 February 2004

Priority Date: None

Attorney Docket No.: 06506/HG

For: ANTICANCER AGENT CONTAINING

BL-ANGIOSTATIN

: DECISION ON PETITION

: UNDER 37 CFR 1.181

:

This decision is issued in response to applicant's "Petition under 37 CFR 1.181(a) to Withdraw Erroneous Holding of Abandonment under 37 CFR 1.53(f) or (g)" filed 19 May 2009. No petition fee is due.

Applicant's petition to withdraw the holding of abandonment under 37 CFR 1.181 is GRANTED and the abandonment has been withdrawn.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosure" (Form PCT/DO/EO/922) mailed 26 September 2008. The notification set a two-month time limit in which to respond. Accordingly, this application became abandoned at midnight on 26 November 2008.

The Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures (Form PCT/DO/EO/922) mailed 27 September 2007 indicated that the nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements set forth in 37 CFR 1.821- 825. Applicant states in the present petition that "the above-identified application refers to peptides or protein fragments only in the content of a beginning amino acid and an ending amino acid. . . Thus, peptides and protein fragments are defined in the above-identified application by only two amino acids." Applicant's assertion is acknowledged and the filing of a sequence listing for the present application is not necessary. As such, the Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures (Form PCT/DO/EO/922) mailed 27 September 2007 is hereby vacated.

The Notification of Abandonment mailed 14 May 2009, based as it was on applicants'

purported failure to file a timely response to the Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures, is appropriately vacated.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.



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